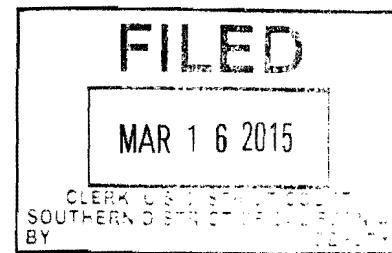


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10  
11 **UNITED STATES DISTRICT COURT**  
12  
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 OBESITY RESEARCH INSTITUTE,  
LLC, a California limited liability  
company,

15 Plaintiff,

16 v.

17 FIBER RESEARCH INTERNATIONAL,  
LLC, a Nevada limited liability company,  
18 and DOES 1-10, inclusive,

19 Defendants.

20 Case No. **15CV0595 BAS MDD**  
21 **PLAINTIFF OBESITY RESEARCH**  
22 **INSTITUTE, LLC's MOTION TO SEAL**  
23 **COMPLAINT**

24  
25  
26  
27  
28  
FAXED

1 Pursuant to Local Rule 79.2, Plaintiff Obesity Research Institute (“ORI”) hereby request,  
 2 pursuant to Civil Local Rule 79.2, that the Court file under seal Obesity Research Institute’s  
 3 Complaint.

4 Accordingly, ORI hereby respectfully requests permission to file the above-referenced documents  
 5 under seal in order to protect the interests of those involved.

6 **I. GOOD CAUSE EXISTS TO FILE THE DOCUMENTS UNDER SEAL**

7 “Protective orders and filings under seal are the primary means by which the courts ensure full  
 8 disclosure of relevant information, while still preserving the parties’ (and third parties’) legitimate  
 9 expectation that confidential business information, proprietary technology and trade secrets will not be  
 10 publicly disseminated.” *In re Adobe Sys., Inc. Sec. Litig.*, 141 F.R.D. 155, 161-62 (N.D. Cal. 1992)  
 11 (citing cases); *see also, Richardson v. Mylan, Inc.*, No. 09-cv-1041-JM, 2011 U.S. Dist. LEXIS 23969,  
 12 \*8 (S.D. Cal. Mar. 9, 2011) (granting motion to seal confidential information, noting that “trade  
 13 secrets [are] an archetypal category of information for which sealing of a court’s records is justified.”);  
 14 *In re Hydroxycut Mktg. and Sales Practices Litig.*, No. 09-md-2087 BTM, 2011 U.S. Dist. LEXIS  
 15 25977, \*28 (S.D. Cal. Mar. 11, 2011) (granting motion to seal records containing trade secret  
 16 information). Thus, courts routinely permit the sealing of sensitive commercial or business  
 17 information. See, e.g., *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978) (recognizing  
 18 the court’s power to seal “sources of business information that might harm a litigant’s competitive  
 19 standing”); *Watts v. Metro Life Ins. Co.*, No. 09-cv-829-WQH, 2010 U.S. Dist. LEXIS 107201, \*9-10  
 20 (S.D. Cal. Oct. 7, 2010) (sealing information which could be used by business competitors to  
 21 determine Defendants’ internal decision-making processes and business approaches, and affect  
 22 Defendants’ competitiveness in the marketplace).

23 Good cause exists for filing ORI’s complaint under seal because the document contains  
 24 sensitive, confidential business information because: (1) the demand letter that Defendant sent to ORI,  
 25 which prompted the current lawsuit purports to be “confidential” and ORI is attempting to respect that;  
 26 (2) there are or may be trade secrets disclosed in Defendant’s demand letter and ORI’s  
 27 counterarguments regarding the alleged adulterated or non-adulterated nature of the product at issue.  
 28 For those reasons, the Complaint should be sealed.

1 Accordingly, ORI represents that it reasonably and in good faith believes that the complaint  
2 should be protected from public disclosure and good cause exists to file the document under seal.  
3

4 **II. DEFENDANT WILL SUFFER NO PREJUDICE**

5 There is no prejudice to Defendant, as Defendant will receive the entire complaint at the time  
6 of service.  
7

8 **III. CONCLUSION**  
9

10 For the foregoing reasons, ORI respectfully requests that the Court issue an Order granting this  
11 Motion, and seal the above-referenced documents, on the grounds that they contain highly confidential  
12 commercial and other information  
13

14 Dated: March 16, 2015

15 NEWPORT TRIAL GROUP, APC  
16

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